

AMENDED IN ASSEMBLY APRIL 20, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1329

Introduced by Assembly Member Brownley

February 27, 2009

An act to add Part 9 (commencing with Section 49700) to Division 30 of the Public Resources Code, relating to product management.

LEGISLATIVE COUNSEL'S DIGEST

AB 1329, as amended, Brownley. Product management: polyvinyl chloride (PVC) packaging.

The California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, prohibits a person from selling a food or beverage container in this state that is labeled with the term "compostable" or "marine degradable," unless the food or beverage container meets certain requirements.

~~This bill would prohibit a person from selling at retail or distributing in commerce a rigid polyvinyl chloride packaging container.~~

This bill, on and after January 1, 2013, would prohibit a retail establishment, as defined, from selling, distributing, or importing in commerce a rigid polyvinyl chloride packaging container, as defined. The bill, on and after January 1, 2014, would prohibit a retail establishment from selling, distributing, or importing in commerce a flexible polyvinyl chloride packaging container, as defined.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Part 9 (commencing with Section 49700) is added to Division 30 of the Public Resources Code, to read:

PART 9. PRODUCT MANAGEMENT

CHAPTER 1. DEFINITIONS

CHAPTER 2. POWERS AND DUTIES

CHAPTER 3. ENFORCEMENT AND PENALTIES

CHAPTER 4. PVC PACKAGING MATERIALS

~~49750. For the purposes of this chapter, “rigid polyvinyl chloride packaging container” means a container that is used to contain, hold, protect, or display another product, alone or in combination with paperboard or other materials, if all of the following conditions apply:~~

~~(a) The container is comprised predominantly of the plastic resin polyvinyl chloride.~~

~~(b) The container is only intended to hold, protect, or display another product until that product is opened or consumed, at which point the container serves no function for the continued use or long-term storage of the product and is intended to be discarded.~~

~~(c) The container has the shape of a clamshell, sack, pouch, shrink or stretch wrap, or other packaging type.~~

~~49751. A person shall not sell at retail or distribute in commerce a rigid polyvinyl chloride packaging container.~~

49750. For the purposes of this chapter, the following terms have the following meanings:

(a) “Flexible polyvinyl chloride packaging container” means a container that is used to contain, hold, protect, or display another product, alone or in combination with paperboard or other materials, if all of the following conditions apply:

(1) Polyvinyl chloride plastic resin is the primary component of the container.

(2) The container is only intended to hold, protect, or display another product until that product is opened or consumed, at which

1 *point the container serves no function for the continued use or*
2 *long-term storage of the product and is intended to be discarded.*

3 *(3) The container has the shape of a sack, pouch, or other*
4 *packaging shape, including a shrink or stretch wrap.*

5 *(4) The container has a flexible shape or form.*

6 *(b) "Retail establishment" or "retailer" means an individual,*
7 *partnership, corporation, association, or other legal relationship*
8 *that engages in the business of selling goods to retail buyers.*

9 *(c) "Rigid polyvinyl chloride packaging container" means a*
10 *container that is used to contain, hold, protect, or display another*
11 *product, alone or in combination with paperboard or other*
12 *materials, if all of the following conditions apply:*

13 *(1) Polyvinyl chloride plastic resin is the primary component*
14 *of the container.*

15 *(2) The container is only intended to hold, protect, or display*
16 *another product until that product is opened or consumed, at which*
17 *point the container serves no function for the continued use or*
18 *long-term storage of the product and is intended to be discarded.*

19 *(3) The container has the shape of a cup, bottle, bowl, clamshell,*
20 *or other packaging shape.*

21 *(4) The container has an inflexible or finite shape or form and*
22 *is capable of maintaining its shape while holding other products*
23 *and has essentially the same shape empty as full.*

24 *49751. (a) On and after January 1, 2013, a retail establishment*
25 *shall not sell, distribute, or import in commerce a rigid polyvinyl*
26 *chloride packaging container in this state.*

27 *(b) On and after January 1, 2014, a retail establishment shall*
28 *not sell, distribute, or import in commerce a flexible polyvinyl*
29 *chloride packaging container in this state.*